

November 13, 2013

P. Randolph Seybold

Via Certified Mail

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Regional Freedom of Information Officer
U.S. Environmental Protection Agency
Region 2
290 Broadway, 26th Fl.
New York, NY 10007-1866

RE: Freedom of Information Request

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and corresponding regulations, as set forth at 10 C.F.R. Part 1004, we request the items described below from the U.S. Environmental Protection Agency ("EPA").

This request pertains to records of communications from January 1, 2008 to November 11, 2013 between any representative of EPA, Region 2, and any representative of the U.S. Department of Energy ("DOE") relating to the Knolls Atomic Power Laboratory ("KAPL") and/or the Separations Process Research Unit ("SPRU") site. Please provide us with copies of all records that:

1. Document or refer to such communications, including in-person meetings and telephone calls. This request includes, but is not limited to, records of communications between any representative of EPA, Region 2 (including Paul A. Giardina and Jeanette Eng) and Frank Marcinowski, DOE Deputy Assistant Secretary for Technical & Regulatory Support;
2. Reflect or refer to DOE's plans in the referenced time period to announce a new contractor for the SPRU site;
3. Reflect or refer to any discussions in which a representative of EPA advised a representative of DOE that construction of an enclosure over SPRU Building G2 and/or H2 would require a radionuclide National Emissions Standards for Hazardous Air Pollutants ("NESHAPs") approval to construct from EPA; or
4. Document or refer to any communication between any representative of EPA and any representative of DOE prior to February 15, 2011, as to whether (i) EPA desired or required DOE to, directly or through a contractor, seek or obtain any radionuclide NESHAPs permits for any aspect of the SPRU site/facilities in Niskayuna, New York, to include, without limit, with respect to deactivation, demolition and removal ("DD&R") work scope or (ii) that DOE, KAPL or SPRU had not been in compliance with any radionuclide NESHAPs rules.

The "documents or other records" sought in the requests above include all written records, records stored in a computer medium, audio or other recordings, transcripts, email, and any other non-identical documents in EPA's possession, custody, or control. These requests also seek such "documents or other records" regardless of whether or not they were created within the government or outside the government.

This request is in the "commercial" category and WilmerHale LLP is willing to pay all costs assessed in accordance with 10 C.F.R. § 1004.9. However, pursuant to 10 C.F.R. § 1004.9(a)(7), we request an estimate of anticipated fees prior to producing records if the estimated costs exceed \$250.

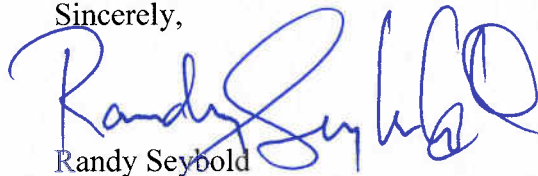
If the documents or records (or any portions thereof) are withheld under any FOIA exemptions, please provide me with a list of the documents or records withheld, the exemption invoked, and the reasons why a discretionary release of the exempt documents or records would not be appropriate. We look forward to receiving a response to this request within the 10 working days specified under 10 C.F.R. § 1004.5(d)(1).

Please send the requested information to:

Mr. Randy Seybold
WilmerHale LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

If you have any questions concerning this request, please contact me at (202) 663-6104 or randy.seybold@wilmerhale.com. Thank you for your prompt attention to this matter.

Sincerely,



Randy Seybold